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ADJUDICATORY HEARING IN THE MATTER

OF REP. JAMES A. TRAFICANT, JR.

Thursday, July 18, 2002

House of Representatives,

Committee on Standards

of Official Conduct,

Adjudicatory Subcommittee,

Washington, D.C.

The committee met, pursuant to call, at 10:05 a.m., in Room 2237, Rayburn House Office Building, Hon. Joel Hefley [chairman of the committee] presiding.

Present: Representatives Hefley, Biggert, Hulshof, LaTourette, Berman, Pastor, Tubbs Jones, and Green.

Staff present: Robert Walker, Staff Director/Chief Counsel; Paul Lewis, Counsel; Ken Kellner, Counsel; Bernadette Sargeant, Counsel; Virginia Johnson, Counsel to the Chairman; Bari Schwartz, Counsel to Ranking Member; and Joanne White, Administrative Assistant.

The Chairman. The committee will come to order.

The Adjudicatory Subcommittee of the Committee on Standards of Official Conduct in the Matter of James A. Traficant. Jr., Met in Executive Session yesterday after the adjournment of the adjudicatory hearing in this matter. The committee, the subcommittee, deliberated until well after 11:00 last night. Healthy discussion, lot of opinions, went over a lot of evidence --

Mr. Traficant. Get to the chase.

The Chairman. -- and at which time the Members voted on the 10 counts contained in the Statement of Alleged Violations pursuant to the vote requirements of Committee Rule No. 10.

As to the counts in the Statement of Alleged Violations, the committee found as follows: Count I through IX of the Statement of Alleged Violations were proven by clear and convincing evidence. Count X of the Statement of Alleged Violations was dismissed by the subcommittee.

The full committee will convene to hold a sanction hearing at 2:00

p.m. today in Room 2118, the one we have been meeting in, the Armed Services room of the Rayburn House Office Building, at which time, Mr. Traficant, you will be given 30 minutes, as will committee counsel, to make any oral presentation you would like about what the sanction should be.

I would refer you to Rule 25, page 46, 47 and 48 in the rule book, which talks about the various options for sanctions.

And with that, the committee stands adjourned.

Mr. Traficant. Question. You say there are options for sanctions?

The Chairman. There are options for sanctions, yes.

Mr. Traficant. Is one of those options that you might refer this matter to other committees in lieu of the testimony of Mr. Detore, and, in fact, recommend an investigation into some of the misconduct that is highly unusual, since you have a targeted Member, that is not just a Member, but probably the number one target --

The Chairman. Well, that is not part of the sanction. This committee certainly can do that. It is taking that under consideration.

Mr. Traficant. I am very disappointed that you would find that in light of the testimony of Mr. Detore. I am also very disappointed that you would have heard many more revelations had you allowed my witnesses. And I am disappointed. I think the body of last resort in America for an American, once they have gone through a criminal justice system that is in fact flawed, that in fact is beyond oversight, that you are the people of last resort, and for you to take face blank the process that occurred in Cleveland and stamp it as being in fact an infallible document of truthfulness leaves, I think, all of America wanting, and I am very disappointed.

I know I have been very light in some of the comments I have made, but I am going to say this. I think as one of those options of sanction you should give me the right, whether I was a truck driver like my father, or a steel worker like your dad, or a farmer, the right to exhaust my appeals relative to the revelations that came forward before you that were not allowed to come before that trial jury in Cleveland before you do that which I read in one of the local Congressional papers, to decide my, quote-unquote, fate.

And I think that is very important for all of America, because I think no American should fear their government, and I think that we are perpetuating and promoting an attitude and atmosphere of fear in America that is very bad for our country. And I think that fear and mistrust is

going to turn into at some point a hate for our government.

So having said that, there is nobody that should hate the Congress. And as a last resort, if you can't appeal to Congress, it is a sad day in our country. So I guess that is a little bit of a self-serving statement, some might say.

But I believe in my heart I am disappointed in you, and I want to ask one question. If you found all nine, why didn't you find Count X? If you didn't find Count X, how could you find most of those in Count IX, because the statute of limitations would have run out if they didn't get Count X.

Could someone answer that for me?

The Chairman. It will be in the report, Mr. Traficant. It will be in the report. We will have a sanctions hearing at 2 o'clock this afternoon.

Mr. Traficant. Mr. Chairman, I request you go light. I request that you be fair. And do I have to be there?

The Chairman. You do not have to be there.

Mr. Traficant. Quite frankly, I don't think I am going to be there. I want to ask for an extended period of time on the House floor beyond House rules to make my statement to the American people.

I know Mr. Walker is definitely afraid of that, but I am going to put the hay where the goats can reach it on that House floor.

The Chairman. Mr. Traficant, I waive the necessity for your appearance if you do not wish to appear. You are welcome to appear, and we will afford you the 30-minute opportunity if you would like to. But that is your decision.

As for the House floor, once this is out of our hands and goes to the House floor, you can make that request to the House leadership who schedules these matters. If there is anything that goes to the House floor, you can make a request there.

Mr. Traficant. One last question. When it goes the House floor, how will it go? Will it go in the form of a privileged resolution with someone controlling time against me, or will this be an opportunity for me to address the body?

The Chairman. The leadership will set up that. You need to talk to them about how they schedule it and what you think you need for -- if it is on the floor, what you need for your presentation on the floor.

So we stand --

Mr. Traficant. Do we stand adjourned or do we sit adjourned?

The Chairman. I am told by counsel here that you need to

affirmatively waive your right to appear this afternoon if you think you might not appear.

Mr. Traficant. You know, I am getting tired of all of these legal eagles. I don't waive a damn thing. I am either going to be there or I am not. But I am not going to officially waive it.

The Chairman. Okay. We will proceed at 2:00 whether you are there or not.

Mr. Traficant. Well, you weren't ready to go at 10:00 this morning. I take offense.

The Chairman. I would urge you to be there and hope you will be there.

Mr. Traficant. And I think you weren't here because Mr. Hulshof was out drinking coffee.

The Chairman. We stand adjourned.

[Whereupon, at 10:10 a.m., the committee was adjourned.]